

REMARKS

Claims 1-50 were originally presented in the subject application. Claims 1-3, 8, 10-14, 18, 22-32, 35-39 and 42-47 have hereinabove been amended to more particularly point out and distinctly claim the subject invention. No claims have herein been added. Claims 15, 19 and 48 have herein been canceled without prejudice. Therefore, claims 1-14, 16-18, 20-47 and 49-50 remain in this case.

The addition of new matter has been scrupulously avoided. In that regard, support for the common amendments to the claims can be found, for example, in claims 15 and 19 as filed, and in the specification at, for example, numbered paragraph 0046.

Applicants respectfully request reconsideration and withdrawal of the various grounds of rejection.

35 U.S.C. §101 Rejection

The Office Action rejected claims 1-50 under 35 U.S.C. §101, as allegedly directed to non-statutory subject matter. Applicants respectfully, but most strenuously, traverse this rejection as it applies to the amended claims.

In particular, the Office Action alleges that independent claims 1, 18, 22, 38 and 47 do not provide a tangible result. In response, Applicants have amended the noted claims to recite a processor instead of a node, and processing a request by the virtual machine. Applicants submit that one skilled in the art will know that a virtual machine exists on a processor as part of a physical computing unit. See, for example, numbered paragraphs 0021 and 0023 of the present application. Thus, Applicants submit that processing a request by a virtual machine on a processor provides a tangible result.

Therefore, Applicants submit that claims 1, 18, 22, 38 and 47 recite statutory subject matter.

The Office Action also alleges that independent claims 23, 32, 36 and 37 do not fall within the four statutory classes of patentable subject matter.

In response, Applicants have amended the noted claims to include a processor on which the virtual machine exists.

As amended, Applicants submit the noted claims recite statutory subject matter.

35 U.S.C. §102 Rejection

The Office Action rejected claims 1-12 and 15-50 under 35 U.S.C. §102(e), as allegedly anticipated by Borkowski et al. (U.S. Patent No. 6,978,455). Applicants respectfully, but most strenuously, traverse this rejection as it applies to the amended claims.

With respect to the anticipation rejection, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention. In this instance, Applicants submit that Borkowski fails to disclose at least one element of each of the independent claims and as a result does not anticipate, or even render obvious, Applicants' invention.

Amended claim 1 recites a method of managing execution of requests of a computing environment. The method comprises obtaining by a processor of the computing environment a request to be processed, starting a virtual machine on the processor to process the request, the virtual machine being exclusive to the request, and processing the request by the virtual machine.

Against, for example, the starting aspect of claim 1, the Office Action cites to Borkowski at column 4, lines 25-47, and column 5, lines 6-11. However, the mapping disclosed in the cited section of column 4 maps the Borkowski proxies to the teller/scanner machines. Thus, while the proxies are exclusive to the teller/scanner machines, the proxies

are not exclusive to requests. Borkowski does not disclose a proxy being exclusive to a request; on the contrary, all requests from a given teller/scanner go to the same proxy.

Therefore, for at least the reasons noted above, Applicants submit that claim 1 cannot be anticipated by Borkowski.

Claims 18, 22, 23, 32, 36 – 38 and 47 each includes aspects similar to those argued above with respect to claim 1. Thus, the remarks made above with respect to claim 1 are equally applicable thereto. Therefore, Applicants submit that claims 18, 22, 23, 32, 36–38 and 47 also cannot be anticipated by Borkowski.

Applicants submit that the dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For example, claim 6 recites shutting down the virtual machine, in response to completing the request.

Against claim 6, the Office Action cites to Borkowski at FIG. 4, element 412, and column 3, lines 50-58. However, the cited sections of Borkowski actually speak to a power down of the teller/scanners leading to shut down of the state machine 314 in FIG. 3. Even ignoring that, Applicants submit that nothing is shut down in response to completing a request, but rather, in response to powering down of a teller/scanner machine.

Therefore, for at least the reasons noted above, Applicants submit that claim 6 cannot be anticipated by Borkowski.

Claim 26 includes aspects similar to those argued above with respect to claim 6. Thus, the remarks made above with respect to claim 6 are equally applicable thereto. Therefore, Applicants submit that claim 26 also cannot be anticipated by Borkowski.

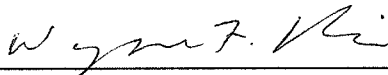
CONCLUSION

Applicants submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-14, 16-18, 20-47 and 49-50.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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